

**REMARKS**

This Amendment is filed in response to the Office Action mailed on April 21, 2005. All objections and rejections are respectfully traversed.

Claims 1-77 are in the case.

No Claims were amended.

Claims 33-77 were added to better claim the invention.

At Page 2 of the Office Action Claims 1-4, 6-24, and 28-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al U.S. Patent No. 6,754,181 (hereinafter Elliott Pat.) in view of Elliott et al U. S. Published Patent Application No. U.S. 2004/0022237 (hereinafter Elliott Pub App.).

Applicant's claimed invention, as set out by representative claim 1 comprises, in part:

1. A network device for use in a computer network carrying network traffic corresponding to sessions, the network device comprising:  
a traffic scheduler having one or more resources for use in forwarding network traffic received at the device at different rates;

a classification engine configured to identify received network traffic based upon predefined criteria; and

a resource reservation engine in communicating relationship with the traffic scheduler and the classification engine,

wherein, *in response to a request to reserve resources for a first data flow associated with a first session group identifier (ID) and belonging to a first session, the resource reservation engine is adapted to direct the traffic scheduler to share resources reserved for one or more second data flows, each associated with a respective session group ID, with the first data flow* provided that (a) the session group ID of the first data flow matches the session group ID of the one or more second data flows and (b) the one or more second data flows are not sharing resources with a third data flow having a session group ID that differs from the first session group ID.

Elliott Pat discloses a system for routing telephone calls over the Internet using an Internet protocol.

Elliott Pub App also discloses a system for routing telephone calls over the Internet using an Internet protocol. At Par. 0017 Elliott Pub App states:

“Packet switching provides for more efficient use of a communication channel as compared to circuit switching. With packet switching, many different calls (e.g. voice, data, video, fax, Internet, etc.) can share a communication channel rather than the channel being dedicated to a single call.”

(Elliott Pub App Par. 17)

That is, Elliott Pub App at its Paragraph 0017 describes ordinary TCP/IP protocol over the Internet, where multiple users share a single communications channel.

Applicant respectfully urges that both Elliott Pat and Elliott Pub App are silent concerning Applicant's claimed novel *in response to a request to reserve resources for a first data flow associated with a first session group identifier (ID) and belonging to a first session, the resource reservation engine is adapted to direct the traffic scheduler to share resources reserved for one or more second data flows, each associated with a respective session group ID, with the first data flow.*

That is, Applicant respectfully urges that there is no disclosure in either Elliott Pat or Elliott Pub App of Applicant's claimed novel *in response to a request to reserve resources* by a message for the *resource reservation engine is adapted to direct the traffic scheduler to share resources reserved for one or more second data flows, each associated with a respective session group ID, with the first data flow.*

Further, Applicant points out that the resources disclosed by Elliott Pat and Elliott Pub App are not reserved; the resources are simply used by using an Internet protocol such as TCP/IP. The protocol TCP/IP does not reserve resources.

Still further, Applicant reserves resources, and then shares the reserved resources when session IDs match, as set forth in representative claim 1.

Accordingly, Applicant respectfully urges that the absence from all cited art of Applicant's claimed novel *in response to a request to reserve resources for a first data flow associated with a first session group identifier (ID) and belonging to a first session, the resource reservation engine is adapted to direct the traffic scheduler to share resources reserved for one or more second data flows, each associated with a respective session group ID, with the first data flow* renders the cited art legally precluded from rendering Applicant's claimed invention obvious under 35 U.S.C. 103(a).

At page 3 of the Office Action the Examiner states:

“It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reserving and sharing of resources, using a common channel during call switching, in the event that two entities call the source, into the scheduler, classifier, and reservation engine, as taught by EA into the system of EP.” (Office Action, page 3)

However, Applicant respectfully points out that neither Elliott Pat nor Elliott Pub App discuss resource sharing based on *in response to a request to reserve resources*. Both Elliott Pat and Elliott Pub App share resources by use of an Internet protocol such as TCP/IP, and do not compare session IDs, and respond to identical session IDs, as claimed.

Further, Applicant respectfully points out that claims 5 and 25-27 are dependent claims, and are dependent from independent claims which are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account  
No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "A. Sidney Johnston", written over a horizontal line.

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